

Law Offices of
L. Richard Mabery, P.C.
234 North Montezuma Street
Prescott, Arizona 86301-3008
(928) 778-1116

(hereinafter "**SCHAEFFER**"), after view of the real property on December 6, 2001, and consideration by the Court of the issues between the parties which resulted in the Order to Show Cause, dated August 22, 2001, hereby stipulate and agree as follows:

1. **SCHAEFFER** shall remove the existing fence along the Verde Ditch at her expense and shall not construct, build or place any fences or structures within fifteen (15) feet of the west bank of the Verde Ditch as it crosses the **SCHAEFFER** property.

2. So long as **SCHAEFFER** maintains her fence fifteen (15) feet or greater from the west bank of the Verde Ditch, the **VERDE DITCH** shall install, at its expense, two metal gates, one at the north end and one at the south end of the **SCHAEFFER** property adjacent to the Verde Ditch. The **VERDE DITCH** shall lock both gates with a **VERDE DITCH** lock and **SCHAEFFER** shall be entitled to place her lock on both gates in order that the parties shall have access through the gates and along the Verde Ditch bank, but will not allow unauthorized persons or trespassers to access the west bank of the Verde Ditch over the **SCHAEFFER** property.

3. The **VERDE DITCH** will remove the growth along the west bank of the Verde Ditch within the proscribed fifteen (15) feet of the easement across the **SCHAEFFER** property to facilitate **VERDE DITCH** monitoring, maintenance and repair.

4. Each party shall pay their respective attorney's fees and costs incurred herein.

DATED this 24 day of April, 2002.

L. RICHARD MABERY, P.C.

By 

L. RICHARD MABERY

Attorney for:

THE VERDE DITCH COMPANY

JONES, SKELTON & HOCHULI, P.L.C.

By 

A. MELVIN McDONALD

Attorney for:

BARBARA ANN SCHAEFFER, as Trustee
of the RAZZANN TRUST

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